

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

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In the Matter of)
)
The Use of N11 Codes and Other)
Abbreviated Dialing Arrangements)
)

CC Docket No. 92-105

REPLY COMMENTS

BellSouth Corporation, on behalf of its affiliated companies ("BellSouth"), by counsel,
hereby files its reply to the comments filed in response to the Further Notice of Proposed
Rulemaking in the above-referenced docket.¹

INTRODUCTION

The record in this proceeding is marked by near unanimity on a number of issues: that the sale or transfer of N11 Service Codes is not in the public interest, that the "transfer" of N11 administration functions (to the extent these functions are performed by local exchange carriers today) to a neutral third party is in the public interest, and the general perception that more detail is required if anything other than a simple, switched based 711 access to TRS is to be implemented. BellSouth opposes two comments put forth on the record here: that the 511 Service Code should be assigned on a nationwide basis for voice access to TRS service and a proposal that a 711 "gateway" to handle both voice and text callers be implemented within one year.

¹ The Use of N11 Codes and Other Abbreviated Dialing Arrangements, First Report and Order and Further Notice of Proposed Rulemaking, FCC 97-51, CC Docket No. 92-105 (rel. February 19, 1997) ("Further Notice").

I. SALE, TRANSFER AND ADMINISTRATION OF N11 CODES.

All parties that addressed the issue in their comments support the Commission's tentative conclusion that N11 codes should not be sold through private transactions.² In light of the Commission's earlier determination that it does not have the express statutory authority to use competitive bidding to allocate toll-free numbers,³ and in the absence of any authority cited in the record in this proceeding pertaining to the "right to use" N11 codes, or "the right to sell other abbreviated dialing arrangements," the Commission should affirm its tentative conclusion. On the other hand, nothing in the filed comments suggests that that the Commission should not at the same time clarify that a transfer of N11 codes incidental to a business reorganization should not be deemed to be a prohibited "transfer" or "sale."⁴

Similarly, all parties addressing the issue in their comments support the Commission's proposal to transfer the administration of N11 codes for local use, to the extent that this administration was done by the incumbent local exchange carriers ("ILECs") prior to enactment of the 1996 Act, to the neutral NANP administrator to be recommended by the NANC with the

² Id. at ¶ 71; Comments of AT&T Corp. at 5-8; BellSouth Comments at 7-8; Comments of the Cellular Telecommunications Industry Association (CTIA) at 2; Comments of Cox Enterprises, Inc., passim; Comments of the Personal Communications Industry Association (PCIA) at 3-4; Comments of Pacific Telesis Group (PacTel) at 4; Comments of Southwestern Bell Telephone Company (SWBT) at 6; Comments of Sprint Corporation at 4-5; Comments of the United States Telephone Association (USTA) at 8; Comments of Vanguard Cellular Systems, Inc., passim.

³ FCC, Common Carrier Bureau, "Frequently Asked Questions - 888 Numbers" No. 21 (February 25, 1997).

⁴ BellSouth Comments at 7.

transfer of the functions associated with central office code administration.⁵ Three parties cannot resist the opportunity to attack ILECs in this context.⁶ As BellSouth showed in its comments, the “dangers” described in these comments are more imaginary than real.⁷ In the five years in which BellSouth has provided a local calling area based N11 abbreviated dialing service under tariff to information service providers (ISPs) in several states, it has not, as the ILEC, “administered” the N11 codes. Rather, N11 codes have been allocated by the state public service commissions.

II. THE COMMISSION SHOULD NOT RESERVE 511 FOR TRS PURPOSES AT THIS TIME

In their October 1993 petition, the National Center for Law & Deafness and Telecommunications for the Deaf, Inc. sought assignment or reservation of two N11 Service Codes for TRS access.⁸ In its First Report and Order the Commission concluded:

Because N11 codes are a scarce resource, and because many states already provide TRS access for both TTY and voice users through a single number, we conclude that only one N11 number should be used for TRS.⁹

⁵ Further Notice at ¶ 75; AT&T Comments at 8; Comments of Ameritech at 8; BellSouth Comments at 8; PCIA Comments at 4-6; PacTel Comments at 4; SWBT Comments at 6; Sprint Comments at 5-6; USTA Comments at 8.

⁶ AT&T Comments at 8; CTIA Comments at 3-4; Sprint Comments at 5-6.

⁷ BellSouth Comments at 8. See also BellSouth’s pending Petition for Clarification and Reconsideration, infra n.16, at 9, n.24.

⁸ Further Notice at ¶ 10, 49.

⁹ Id. at ¶ 56.

GTE recommends, based on experience gained in Hawaii, that two codes be used for TRS: 711 for text access and 511 for voice access.¹⁰

BellSouth opposes GTE's recommendation. The Commission has already considered, and on the record rejected, the assignment of two N11 Service Codes for access to TRS service.¹¹ In any event, as Bell Atlantic and NYNEX have shown, it is unlikely that call volumes are sufficient to justify the assignment of a second N11 number for voice access.¹² Ameritech indicates that it currently provides both voice and text service in Michigan and Ohio, and is aware of no technical reason why access to both voice and text through 711 is infeasible.¹³ The fact that 17 states already use only one number would seem to indicate that it is technically feasible; an alternate solution might result in disruption to current voice callers and in lost vendor investment.¹⁴

On the current record, assignment or reservation of 511, the second to last "remaining" N11 Service Code, as a second national TRS access code would appear to be a non-optimal solution to a perceived need. In two states in which BellSouth is authorized to provide telephone exchange and exchange access service, 511 has been put to productive local use by ISPs who provide information services accessed by 511 on a local calling area basis pursuant to tariffs

¹⁰ GTE Comments at 3. But see USTA Comments at 2, n.5 and 3, and Comments of the National Association of the Deaf (NAD) at 2, noting that 4 digit abbreviated dialing codes 1711 and 1511 are used in Hawaii.

¹¹ In this regard, GTE's recommendation constitutes an untimely request for reconsideration of the Commission's determination that only one N11 Service Code should be assigned for TRS access. *Federation of American Health Systems*, 9 FCC Rcd 3303, 3304 (1994).

¹² Bell Atlantic and NYNEX Comments at 2 (supporting use of a toll-free number for voice).

¹³ Ameritech Comments at 8.

¹⁴ Additionally, it is not clear whether a single code is being offered in various states pursuant to a state law or regulatory requirement.

published by BellSouth Telecommunications, Inc. (BST). In Atlanta, "FIND-IT 511" is a telephone information service provided by Infoventures of Atlanta, a joint venture consisting of BellSouth Advertising & Publishing Corporation (BAPCO) and The Atlanta Journal-Constitution newspaper, an affiliate of Cox Enterprises.¹⁵ BAPCO, The Palm Beach Post and Sun Sentinel newspaper operate a similar joint venture telephone information service offering 511 access in the southeast Florida LATA. BAPCO provides similar telephone information services in the communities of Daytona Beach, Gainesville and Jacksonville, Florida. It also provides a similar service in Orlando in a joint venture with the Orlando Sentinel.¹⁶ A different ISP provides services under 511 in Melbourne, Florida, and the 511 code has been assigned to at least three newspapers in Alabama and Tennessee.¹⁷

Given the record in this proceeding, as well as the Commission's conclusion that only one N11 Service Code should be assigned for nationwide TRS access, there is neither a compelling need nor a sound legal basis for the Commission to reserve 511 nationwide for TRS access.

¹⁵ As BellSouth has noted earlier in related proceedings, Cox, using its N11 access arrangement, raised over \$45,000 for the American Red Cross relief efforts following devastating floods in South Georgia, demonstrating that public benefits can flow from commercial uses of N11 codes. Requests of Federal Agencies and Others for the Assignment of N11 Codes, IAD File No. 94-101, Comments of BellSouth Telecommunications, Inc. (August 19, 1994) at 7, n.13.

¹⁶ BAPCO, just as any other ISP, purchases N11 service at arms length out of BST's state tariffs. Similarly, BAPCO, just as any other ISP, was granted the right to use the specific 511 code by the appropriate state public service commission that administers the codes in a competitively neutral manner.

¹⁷ ISPs and other entities that are being "displaced" as a result of the Commission's recent order reserving both 311 and 711 on a nationwide basis ought to be able to "migrate" to 511 in those areas where it is not currently in use. See generally The Use of N11 Codes and Other Abbreviated Dialing Arrangements, FCC 97-51, CC Docket No. 92-105, Petition for Clarification and Reconsideration of BellSouth Corporation (March 28, 1997) at 2-5.

As shown above, 511 has been put into productive local use in a number of communities, and as GTE acknowledges, the code may not even be necessary for TRS access.¹⁸

III. A ONE YEAR 711 IMPLEMENTATION SCHEDULE IS UNREASONABLE

NAD's comment that a one year period for implementation should be sufficient to make the network changes necessary to accommodate 711 access is unsupported by the other comments in this proceeding.¹⁹ As BellSouth and others have pointed out, a number of technical and cost recovery issues must be resolved prior to implementation, and the special concerns of CMRS providers need to be addressed.²⁰ The precise nature of the "gateway" envisioned by the Commission is also unclear. Indeed, Southwestern Bell's recommendation that the Further Notice should be treated as a Notice of Inquiry is reasonable in light of these comments, as is Sprint's proposal that the Commission establish an industry task force to determine whether the problems associated with N11 access can be resolved within a reasonable amount of time and without undue cost. It is overly optimistic to expect that all of these issues can be resolved within one year. Furthermore, it would be unfair to those ISPs who are making a productive use of the 711 code in local communities to be required to forfeit these codes prematurely, before any realistic nationwide implementation can be achieved.

¹⁸ GTE Comments at 3, n.4.

¹⁹ Cf. NAD Comments at 4 with AT&T Corp. at 2-5.

²⁰ See, generally, the comments filed by AT&T, Ameritech, CTIA, Sprint, SWBT, USTA and U S West.

CONCLUSION

The record established by the comments in this proceeding could at best form the basis for a further notice of proposed rulemaking. There are obvious data gaps, and general confusion over such issues as the nature of the 711 "gateway" and the kind of competition envisioned by the Commission. In light of the various unresolved issues raised by the comments relating to technical matters and cost recovery, the Commission should give careful consideration to SWBT's suggestion that the NPRM be treated as an NOI, and issue a more detailed Second Further Notice of Proposed Rulemaking that more particularly describes the type of access the Commission envisioned at the time it designated 711 for nationwide assignment.

In the meantime, the Commission should affirm its tentative conclusions relating to the sale or transfer of N11 codes, as well as N11 administration, subject to the clarification advocated by BellSouth in its comments. The Commission should reject the recommendation of GTE that an additional N11 Service Code, specifically 511, be assigned on a nationwide basis for TRS access. The Commission should also reject NAD's proposal that 711 access be implemented within one year.

Respectfully submitted,

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DATE: April 30, 1997

CERTIFICATE OF SERVICE

I hereby certify that I have on this 30th day of April, 1997 served the following parties to this action with a copy of the foregoing **REPLY COMMENTS** by placing a true and correct copy of the same in the United States Mail, postage prepaid, addressed to the parties listed on the attached service list.



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